



Summary of Montana's Tuition Laws (page 1)

Situation		Mandatory or Discretionary? (MCA 20-5-320 & 321)	Who Pays Tuition?				Maximum Tuition Rate Charged		
			Parent/Guardian Pays District of Attendance	District of Residence Pays District of Attendance	OPI Pays District of Attendance	State of MT (DPHHS or Dept. of Corrections) Pays Facility Directly	Regular Education	Students Without Disabilities, with Higher than Average Costs of Services	Special Education (IEP)
Closer to District of Choice, at least 3 mi. from District of Residence, and District of Residence offers NO bus transportation and NO parental mileage reimbursements (See NOTE A) .		Mandatory (See NOTE B) MCA 20-5-321 (1)(a)		X MCA 20-5-324 (5)(a)			District of Attendance's regular education tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement (MCA 20-5-323)		District of Attendance's regular education tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement, PLUS special ed "add-on" rate (ARM 10.16.3818) (MCA 20-5-323)
Geographic Barrier prohibits student from attending school in district of residence		Mandatory (See NOTE B) MCA 20-5-321 (1)(b)		X MCA 20-5-324 (5)(a)			District of Attendance's regular education tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement (MCA 20-5-323)		District of Attendance's regular ed tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement, PLUS special ed "add-on" rate (ARM 10.16.3818) (MCA 20-5-323)
Elem student has a sibling who must attend own high school where another elem district is located, and parent chooses that elem school for convenience.		Mandatory (See NOTE B) MCA 20-5-321 (1)(c)	X MCA 20-5-324 (5)(b)				District of Attendance's tuition rate set by Board Policy, up to State's Tuition cap of 20% of Per-Student Entitlement (MCA 20-5-323)		
Placement by a state agency or court and/or placement in a foster care / state licensed group home		Mandatory MCA 20-5-321 (1)(d) & (1)(e)			X MCA 20-7-420 (2)	X Out-of-State Residential Treatment Facilities Only MCA 20-7-422 (3)	District of Attendance's regular education tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement (MCA 20-5-323)	Actual costs, less 80% of Per-Student Entitlement, limited to \$2500 (MCA 20-5-323)	District of Attendance's regular education tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement, PLUS special ed "add-on" rate (ARM 10.16.3818) (MCA 20-5-323)
Parental Choice	In-State	Discretionary MCA 20-5-320 (2)	X MCA 20-5-324 (5)(b)				District of Attendance's regular education tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement (MCA 20-5-323)		
	Out-of-State						MT's Interstate reciprocal agreement rate, if any. If no agreement, parent negotiates rate with out-of-state district (See NOTE C) .		
Trustee Placement - Special Education (IEP)	In-State Public School	Discretionary MCA 20-7-421 (1)		X MCA 20-5-324 (5)(a)					District of Attendance's regular ed tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement, PLUS special ed "add-on" rate (ARM 10.16.3818) (MCA 20-5-323)
	In-State Private Day Treatment Pgm (See NOTE D)								Placing district negotiates rate with the private program.
	Out-of-State Public School	Discretionary MCA 20-7-422 (1)		X MCA 20-7-422 (2)					Placing district negotiates rate with out-of-state district.
Trustee Placement - Regular Education	In-State	Discretionary MCA 20-5-320 (8)		X MCA 20-5-324 (5)(a)			District of Attendance's regular education tuition rate, up to State's tuition cap of 20% of Per-Student Entitlement (MCA 20-5-323).		
	Out-of-State						District of Attendance's tuition rate limited to average cost per student in resident district (MCA 20-5-323(4)).		



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Homeless child as defined by Stewart B. McKinney Homeless Assistance Act (PL100-77)	Mandatory (MCA 20-5-101)	None (MCA 20-5-101)				Zero (MCA 20-5-101)		
Resident students detained in an out-of-district youth detention facility	Mandatory		X (MCA 20-9-130 and 41-5-1807)			Although not technically "tuition", the District of Residence may be charged \$20 per day for each student detained over 9 consecutive days to help cover the costs (MCA 41-5-1807)		



Summary of Montana's Tuition Laws (page 2)

Situation		Accounting Considerations		Notes
		District of Residence Finance tuition from Tuition Fund (X13) Finance transportation from Trans Fund (X10)	District of Attendance Deposit transp receipts (regular ed) to Trans Fund (X10-1410) Deposit transp receipts (special ed) to Trans Fund (X10-1420)	
Closer to District of Choice, at least 3 mi. from District of Residence, and District of Residence offers NO bus transportation and NO parental mileage reimbursements (See NOTE A) .		In-state tuition payments: X13-XXX-1XXX-561 In-state transportation payments: X10-XXX-27XX-51X Out-of-state tuition payments: X13-XXX-1XXX-562 Out-of-state transp payments: X10-XXX-27XX-512	Regular Ed & Students w/o disabilities, but higher than average costs of services: Any tuition received that exceeds the tuition received during the prior year may be deposited in the Misc. Programs Fund (X15-1320-XXX) using a unique project reporter code, and must be spend by the end of the current fiscal year. For the ensuing year, the receipts must be credited to the General Fund (X01-1320). Special Education (IEP): Tuition received for a special education (IEP) student that exceeds the amount for regular ed students may be deposited to the Misc. Programs Fund (X15-1320-XXX) using a unique project reporter code.	NOTE A: This situation only applies if the district does not offer bus routes and does not offer mileage reimbursements for any students. NOTE B: Trustees of District of Choice may disapprove agreement if overcrowding exists or if school's accreditation standards would be adversely affected by the student's attendance (does not include special education (IEP) students). MCA 20-5-321 (4) NOTE C: Montana does not currently have any reciprocal tuition agreements with other states. No agreements have been made for several years and none are expected. NOTE D: A placing district may pay using the district tuition fund for private day treatment programs under MCA 20-5-324. For other private programs, the placing district must use the general fund.
Geographic Barrier prohibits student from attending school in district of residence				
Elem student has a sibling who must attend own high school where another elem district is located, and parent chooses that elem school for convenience.				
Placement by a state agency or court and/or placement in a foster care / state licensed group home		*Payments from OPI for state agency, court, foster care, and state licensed group home placements: The same limitations from above apply, but must account for revenues using revenue code 3117		
Parental Choice	In-State		*Tuition Receipts from individuals (X01-1310)	
	Out-of-State			
Trustee Placement - Special Education (IEP)	In-State Public School	Tuition payments: X13-280-1XXX-561 Transportation payments: X10-280-27XX-51X		
	In-State Private Day Treatment Pgm (See NOTE D)	Tuition pymts (day treatment): X13-280-1XXX-320 Tuition pymts (other private prog) X01-280-1XXX-320 Transportation payments: X10-280-27XX-51X OPI reimburses under MCA 20-5-324 (2)		
	Out-of-State Public School	Tuition payments: X13-280-1XXX-562 Transportation payments: X10-280-27XX-512 OPI reimburses under MCA 20-5-324 (2)		
Trustee Placement - Regular Education	In-State	Tuition payments: X13-1XX-1XXX-561 Transportation payments: X10-1XX-27XX-511	Regular Ed & Students w/o disab, but higher than avg costs of services: Any tuition rec'd that exceeds tuition rec'd during prior year may be deposited in Misc. Programs Fund (X15-1320-XXX) using a unique project reporter code, and must be spent by the end of the current fiscal year. Ensuing year, receipts must be credited to General Fund (X01-1320).	
	Out-of-State	Tuition payments: X13-1XX-1XXX-562 Transportation payments: X10-1XX-27XX-512 OPI reimburses under MCA 20-5-324 (2)		



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Homeless child as defined by Stewart B. McKinney Homeless Assistance Act (PL100-77)	Not applicable	The trustees shall assign and admit a child who is homeless to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.	
Resident students detained in an out-of-district youth detention facility	Fees to Detention Facilities: X13-1XX-1XXX-563 At the end of the school year, the county operating the facility calculates the number of days each student was detained and the total charge. The facility reports that information to each student's resident school district by June 30. The resident school district must pay the billed amount to the county operating the detention facility by July 15 using the district Tuition Fund (13). The resident district then budgets the amount in the Tuition Fund in the same fiscal year. (MCA 41-5-1807)		